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A TREATISE ON THE LAW OF FIDELITY BONDS WITH SPECIAL REFERENCE TO CORPORATE FIDELITY BONDS. By H. Barratt Walker, of Baltimore: Wilson Bros., Law Publishers. Pp. XV. 303.

This book contains a rather full collection of cases in which the law has been applied to corporate fidelity bonds, with considerable explanatory matter in notes by the compiler and other well-known writers on the subject. The author has admirably stated the principle of each leading case in a few words, and where possible has used the very language of the Court deciding the case. While not much light is thrown upon the development of the fundamental principles of suretyship, the work has the advantage of treating with some detail different topics embraced in the subject, and for this reason should be very acceptable in the sphere from which it was produced—"the firing line" of active practice.

*I. E. D. C.*

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THE CIVIL CODE OF THE GERMAN EMPIRE. As Enacted on August 18, 1896, with the Introductory Statute enacted on the same date. (In Effect January 1, 1900). Translated by Walter Loewy, B. L. (Univ. of Cal.), LL. B. (Univ. of Pa.). J. U. D. (Heidelberg). Translated and published under the auspices of and annotated by a special committee of the Pennsylvania Bar Association and the Law School of the University of Pennsylvania. Boston: The Boston Book Co. London; Sweet and Maxwell, Limited. 1909. Pp. LXXI, 689.

The Civil Code must be considered in its relation to other laws of the empire, the State Laws, and to the Customary Law. The decisions of the courts should also be referred to in connection with the Civil Code; for the history of German jurisprudence shows that in practice the influence of judicial decisions cannot be denied. The translator observes: "Such decisions have great weight and are practically regarded as precedents when they represent the consistent practice of the courts."

Since the formation of the Empire, a great number of Imperial Laws have been enacted, of which the German Civil Code is an important one.

The first Code Commission, after submitting its draft, was at its own request empowered to draft Acts governing Land Registration, Ex Parte Matters (Freiwillige Gerichtsbarkeit), and Execution Proceedings, etc. These Ancillary Laws (Nebengesetze) went into effect simultaneously with the Code on January 1, 1900.

This code does not include the regulation of "Commercial" transactions. Under the formal plan of 1874, the Commercial Law was to be the subject of separate codification. The Commercial Code of 1861 had been adopted by the empire, but its provisions exceeded the proper limits of the "law of merchants." The new Commercial Code was adopted May 10, 1897, and went into effect simultaneously with the Civil Code.

In the preparation of the Civil Code, the list of subjects reserved to the States "gradually grew as the commissioners realized the practical impossibility of abolishing certain State laws, which formed integral parts of the State's history. The exceptions in favor of the State Laws are made partly in the code itself and partly in the Introductory Statute." The State retained in the main "police" regulations, "the provision for matters intimately associated with the internal wel-

fare of the State." There were left temporarily to the State certain branches of law which since have been regulated more or less by Imperial Law.

The supplementary status of the Customary Law "is disputed by few and is generally accepted and taught in the Universities"; although it "often presents grave difficulties in practice." This Customary Law is such only as is general throughout the empire; otherwise "the blessing of a National Code would indeed be a very elusive one." A peculiar State custom retains effect, therefore, only where expressly reserved.

The work now published contains a list of about 50 important Statutes of the German Empire, in three divisions: I, Civil Law; II, Commercial Law; III, Organizations of the Courts and Procedure. Among them are the Commercial Code, the Negotiable Instruments Act. Acts respecting co-operative and limited associations, Patent Law, Designs, Trade Marks, and Copyright, and Unfair Competition. Among these Statutes, the German Civil Code occupies a dominating place.

The Civil Code is divided into five books. Book I relates to Persons and Things; Transactions in Law; Limitations; Terms for Performance; Exercise of Rights; Self Defense, Self Redress, Prohibition of Malice; Giving of Security. Book II, Law of Debt Relations, Obligations (*Schuldverhaeltnisse*). Book III, Law of Things. Book IV. Domestic (Family) Rights, herein of Marriage, Divorce and Guardianship. Book V, Inheritance.

The history of the present translation of the German Civil Code is of interest. The mixed population of the State of Pennsylvania, and the commercial relations with foreign countries, led the Pennsylvania Bar Association in 1905 to appoint a Committee on Comparative Jurisprudence, for the purpose of formulating a plan for meeting the needs felt of a more extended means of acquaintance with foreign law. This committee was composed of Charles Wetherill, chairman; Dr. William Draper Lewis. Dean of the Law School of the University of Pennsylvania, and William W. Smithers, of the Philadelphia Bar.

In the following year they were authorized to undertake, conjointly with the University of Pennsylvania, the translation now published. The translation was intrusted to Walter Loewy, Esq., a Pennsylvania alumnus. Mr. Loewy had removed to San Francisco, and after the work had progressed considerably, his library was destroyed in the catastrophe which for a time overwhelmed that city. The work was renewed, and in the meantime Mr. Schuster's exposition of the Principles of the German Civil Code issued from Oxford in 1907. That volume explains the German terms used in the code, and the committee were fortunate in obtaining from Dr. Schuster his permission to refer to the appropriate pages of his work, wherever the need of explanation was felt.

The volume containing Mr. Loewy's translation presents in the preface a more detailed account of the origin and progress of the work; a most interesting historical introduction, showing the sources, preparation, and adoption of the code, written by Mr. Smithers, of the committee; the Translator's Analytical Introduction, and references to analogous provisions in the more important foreign codifications, prepared by Mr. Wetherill. The Introductory Statute, and an Index, conclude the volume.

The whole work evinces marked care, accuracy and extraordinary industry, especially in the feature of cross-reference notes to other legal codifications.

L. E. H.